IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9249 OF 2007

WITH

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Central Bank of India .. Petitioners
Versus
Arun Arjunrao Barbole & Ors. .. Respondents

Mr.N.V.Walawalkar, Senior Advocate with Mr.V.K.Nair for petitioners
Ms.P.S.Cardozo, A.G.P. for State
Mr.A.Y.Sakhare, Senior Advocate for respondent Nos. 1 to 10
Mr.Devasis Mitra for respondent No.11.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 19th December 2007

P.C.

. After all these matters were moved before me on the earlier occasion, there was some doubt raised about functioning of the Maharashtra Revenue Tribunal (MRT). In the orders that have been passed in companion matters, I have recorded statement of Ms.Cardozo, learned A.G.P. that the MRT would become functional from 21st January 2008.

2. These are the petitions whereby the petitioner, Central Bank of India who is appellant in Tenancy Appeal No.9 of 2006 is aggrieved by the order passed by Sub-Divisional Officer, Solapur, on 20th April 2007 dismissing the said appeal and confirming the order of the Tahsildar Barshi dated 24th May 2006 in Tenancy Case No.1 of 2006.

3. A company application No.905 of 2006 in Company Application No.12 of 2004 in Company

Petition No.20 of 1984 is pending in this Court and that is initiated by the respondent Nos. 1 to 10 in the present petition. The apprehension that is expressed by Mr.Walawalkar, learned Senior Counsel for petitioner bank is that if no protection is granted, then, in terms of the order passed by this Court, the respondent Nos. 1 to 10 to the present petition will proceed with the company application. The apprehension is that on 3rd December 2007 final chance is given by the learned Company Judge and if that is not complied with the matter may proceed on 14th January 2008.

4. Mr.Sakhare, learned Senior Counsel for respondent Nos. 1 to 10 on notice makes a statement that by consent an adjournment will be sought in the company application on 14th January 2008 to enable the present petitioners to apply for appropriate reliefs before M.R.T. Mr.Sakhare states that he would not object to the

adjournment application on behalf of petitioners and the matter can stand over for a reasonable period so as to enable the petitioners before me to apply for appropriate relief.

5. It is undisputed that the remedy of the present petitioner to challenge the order of S.D.O. is by filing a Revision Application which now does not lie before the Commissioner/Additional Commissioner but the M.R.T. In such circumstances, accepting the statement of Mr.Sakhare, learned Senior Counsel, the present petitions are disposed of. In the light of the above statement made by Mr.Sakhare on instructions from respondents who are present in court today, I have no doubt that the parties would abide by the same before the learned Company Judge so as to enable the petitioners to apply for appropriate interim/ad-interim reliefs. Petition disposed of.

6. The application for urgent ad-interim protection made by Mr.Walawalkar in the light of the order of learned Company Judge dated 3rd December 2007, is not considered by me in the light of the development of Tribunal being functional so also on the assurance of Mr.Sakhare, learned Senior Counsel.

(S.C.Dharmadhikari, J)